



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

July 30, 2018

By Electronic Mail

MDL 1570 Plaintiffs' Executive Committees
Attn: Robert T. Haelele, Motley Rice
Sean P. Carter, Cozen O'Connor
Andrew J. Maloney, Kreindler & Kreindler

Re: *In re Terrorist Attacks, 03 MDL 1570 (GBD) (SN)*

Dear Counsel:

I write in response to your letter dated June 28, 2018, regarding a potential meeting to discuss the Touhy requests and subpoenas served by the Plaintiffs' Executive Committees ("PECs"), and to follow up on Ms. Normand's telephone conversation with Mr. Carter on July 3, 2018, and Mr. Carter's email of July 17, 2018.

With regard to the Touhy request and subpoena to the Federal Bureau of Investigation ("FBI"), the FBI is in the process of identifying a subset of documents that may be relevant to the allegations on which the Court has permitted limited jurisdictional discovery to proceed. The FBI will then conduct a declassification and privilege review of those documents to determine what, if any, information can be provided. Mr. Carter's July 17 email asked for further information regarding why the PECs' request for "[a]ny and all records referring or relating to the work and investigation of the PENTTBOM subfile team" is overbroad and unduly burdensome. In short, the FBI's file on this investigation is quite voluminous and includes records unrelated to the allegations on which the Court has permitted limited jurisdictional discovery. Moreover, declassification review is a painstaking and time-consuming task. It would be impossible to review all the records sought by the PECs within the timeframe envisioned by the Court.

With regard to the Touhy requests and subpoenas to the Department of State, Department of Treasury, and Central Intelligence Agency, we have requested additional information from the PECs, including information regarding the relevance of the requested documents to specific claims in the litigation and the status of discovery with regard to such claims.

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We believe a meeting would be more productive after the FBI has had an opportunity to complete its declassification and privilege review and the other agencies have had an opportunity to review any further information that is submitted by the PECs.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney for the
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By: /s/ Sarah S. Normand

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